IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4867 OF 2004

Rajnath Shitlaprasad Mishra..... Petitioner.

Versus

Dattu Keshavrao Vadatkar & Anr..... Respondents.

-: ALONG WITH :-

WRIT PETITION NO. 4868 OF 2004

Rajnath Shitlaprasad Mishra..... Petitioner.

Versus

Ramkripal Vibhuti Sharma & Anr.... Respondents.

Mr. S. K. Chourasia i/by Mr. A. M. Saraogi
for the Petitioner.

Mr. R. C. Kaushik for Respondent No.1.

Mr. A. J. Bhor for Respondent No.2.

CORAM : S. A. BOBDE, J.

DATED : 18TH MARCH, 2005.

P.C.:

The petitioner in both the petitions, is aggrieved by the order of the City Civil Court at

Bombay dismissing his Chamber Summons for being impleaded as a party to the suit filed by respondent No.1.

2. The respondent No.1 has filed the present suit challenging the notice issued by the Brihanmumbai Municipal Corporation, the respondent No.2 herein under Section 314 of the Bombay Municipal Corporation Act. The petitioner claims to be a tenant of the premises of which the respondent is a sub-tenant and according to him this is also the pleading of respondent No.1 in the suit. The learned Judge of the City Civil Court has dismissed the petitioner's chamber summons on the ground that the petitioner does not dispute the possession of the plaintiff who is respondent No.1 herein, whose object is also to protect the structure. The learned Judge has observed that this is not a case of an owner wishing to be impleaded as a party.

3. There is no infirmity in the order of the City Civil Court refusing permission to the petitioner to be impleaded as a party to the suit since both the petitioner and the respondent No.1, plaintiff, appear to have the same object and in any case the suit has

been filed by the respondent No.1 against the Brihanmumbai Municipal Corporation.

4. There is no merit in both these petitions, which are hereby dismissed.

Sd/-

(**S. A. BOBDE, J.**)